

1 YAVAPAI COUNTY ATTORNEY'S OFFICE
2 Sheila Polk, SBN 007514
3 County Attorney
4 ycao@co.yavapai.az.us

Attorneys for STATE OF ARIZONA

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 MAR 25 PM 1:03

JEANNE HICKS, CLERK

BY: 

IN THE SUPERIOR COURT

STATE OF ARIZONA, COUNTY OF YAVAPAI

STATE OF ARIZONA,

V1300CR201080049

Plaintiff,

vs.

**STATE'S RESPONSE TO
DEFENDANT'S REQUEST FOR CASE
MANAGEMENT RULINGS; MOTION TO
PRECLUDE INADMISSIBLE EVIDENCE**

JAMES ARTHUR RAY,

Defendant.

(The Honorable Warren Darrow)

The State of Arizona, through undersigned counsel, hereby requests that the Court deny Defendant's Request for Case Management Rulings; Motion to Preclude Inadmissible Evidence. As noted in the State's Response to Defendant's Motion to Exclude and Objections to Exhibits, Defendant's objections to specific evidence should be made in the context of the trial where foundation and relevance will be established.

Moreover, most of the arguments presented in Defendant's motion have been previously presented to this Court. Specifically the State notes that that admissibility of the audio recording of Spiritual Warrior 2009 has been addressed in multiple pleadings filed with this Court including the State's Memorandum Re: Audio Clips filed the same date as Defendant's motion. Similarly, Defendant's arguments relating to Defendant's actions "unrelated to the Sweat Lodge Ceremony" were addressed in the State's Response to Defendant's Motion in Limine (No. 4) to Exclude Evidence of (a) Mr. Ray's Post Sweat Lodge Conduct and (b) Acts or Omissions of JRI Employees filed on January 6, 2011. On March 21, 2011, the State filed a Memorandum addressing the issue that Reckless Manslaughter does not require proof that Defendant owed a duty to the victims and

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 setting forth certain duties owed by Defendant. Finally, this Court has repeatedly heard argument
2 relating to the mental state of the participants and the decedents as they entered Defendant's sweat
3 lodge and ruled that such evidence is admissible.

4 The State agrees that inadmissible evidence should not be admitted; however, Defendant
5 continues to advocate for the preclusion of broad categories of evidence on sweeping objections of
6 relevance and undue prejudice. There is no basis for such preclusion and the motion should be
7 denied.
8

9 RESPECTFULLY submitted this 25th day March, 2011.

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11
12 By Sheila Sullivan Polk
13 SHEILA SULLIVAN POLK
14 YAVAPAI COUNTY ATTORNEY

15 **COPIES** of the foregoing emailed this
16 25 day of March, 2011:

17 Hon. Warren Darrow
18 Dtroxell@courts.az.gov

19 Thomas Kelly
20 tkkelly@thomaskellypc.com

21 Truc Do
22 Tru.Do@mto.com

23 By: Kathy Darrow
24
25
26

COPIES of the foregoing delivered this
25 day of March, 2011, to

Thomas Kelly
Via courthouse mailbox

Truc Do
Munger, Tolles & Olson LLP
355 S. Grand Avenue, 35th Floor
Los Angeles, CA 90071-1560

By: Kathy Darrow